

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT K. DECKER,

Plaintiff,

No. 20-12037

v.

Honorable Nancy G. Edmunds

AMERICAN AUTO ASSOCIATION,

Defendant.

ORDER DENYING PLAINTIFF'S MOTION TO AMEND [18]

On November 18, 2020, the Court entered an order dismissing this case without prejudice because Plaintiff had not demonstrated that a federal court has diversity jurisdiction over his state law claim. (ECF No. 8.) The Court later denied Plaintiff's motion for relief from judgment, finding in part that Plaintiff had still not shown there is diversity between the parties. (ECF No. 11.) Plaintiff appealed but the Sixth Circuit dismissed the appeal after denying Plaintiff's motion to proceed in forma pauperis "[f]or the reasons discussed by the district court in considering and rejecting [Plaintiff]'s various arguments for diversity jurisdiction." (ECF Nos. 17, 20.) The Sixth Circuit also denied a motion to supplement the record with additional information regarding the location of Defendant's "main office" but noted that "because the district court dismissed the complaint without prejudice, [Plaintiff] may be allowed to introduce this new evidence to the district court should he choose to refile his complaint." (ECF No. 17.) Rather than refile his complaint, Plaintiff brought the present motion to amend. (ECF No. 18.) Plaintiff also filed an amended complaint. (ECF No. 19.) Because this case is closed,

the Court finds any attempt to amend moot. And to the extent Plaintiff's motion can be construed as a request to file a new complaint, the Court notes Plaintiff has still not demonstrated this Court has jurisdiction over his state law claim.¹ Plaintiff states in his amended complaint that Defendant's "main" office is in Florida, indicating that is the state of its principal place of business. If Defendant is a corporation, however, it is also a citizen of the state of its incorporation. See 28 U.S.C. § 1332(c)(1). But if Defendant is an unincorporated association, it is a citizen of each state in which a member is a citizen. For the foregoing reasons, Plaintiff's motion to amend is DENIED.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: November 22, 2021

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 22, 2021, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager

¹ A new complaint must also be accompanied by either a filing fee or an application to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a). Plaintiff does not include either here. Plaintiff had filed an application to proceed in forma pauperis along with his original complaint, but the Court found that application moot upon dismissal of this case.